



Kaplan Fox & Kilsheimer LLP
850 Third Avenue
New York, NY 10022
phone 212.687.1980
fax 212.687.7714
email mail@kaplanfox.com
www.kaplanfox.com

August 17, 2011

Honorable John Gleeson
United States District Judge
United States District Court
for the Eastern District of New York
225 Cadman Plaza East, Room 727S
Brooklyn, NY 11201-1818

Re: In re Air Cargo Shipping Services Antitrust Litigation, MD-06-1775

Dear Judge Gleeson:

Plaintiffs in the above-referenced action submit this letter in accordance with this Court's Order to Show Cause of June 24, 2011, and respectfully request that the Court enter an order rejecting as untimely the request of UCI Airfreight Japan, Inc. ("UCI") for exclusion from the settlement class under plaintiffs' settlement agreements with (1) All Nippon Airways Co., Ltd. ("ANA"), (2) Thai Airways International Public Company Limited ("Thai"), (3) Cargolux Airlines International S.A. ("Cargolux"), and (4) Qantas Airways Limited ("Qantas") (collectively, the "Settling Defendants").

Under the Court's order of March 14, 2011 [ECF No. 1420], requests for exclusion were required to be postmarked by May 27, 2011. UCI's request for exclusion from the settlement class, dated May 23, 2011, was postmarked June 1, 2011, and received June 8, 2011. *See Exhibit A to the Declaration of Robert N. Kaplan, dated August 17, 2011 ("Kaplan Dec.") submitted herewith.* Following the fairness hearing of June 23, 2011, on June 24, 2011, this Court issued an order for UCI to show cause in writing on or before August 5, 2011, why its request for exclusion from plaintiffs' settlement agreements with the Settling Defendants should not be disregarded due to its untimeliness (the "June 24 Order"). Kaplan Dec., Exhibit B. Counsel for the Settling Defendants were directed to serve UCI with the June 24 Order via overnight courier on or before July 15, 2011, and to file proof of service with the Court. *See id.* Such service was made, and a certificate of service was filed with the Court on July 14, 2011 [ECF No. 1523] (Kaplan Dec., Exhibits C-D).

Neither plaintiffs nor Settling Defendants' counsel have received any response from UCI, and they are unaware of any response. Kaplan Dec., ¶ 7.

Consequently, it is respectfully submitted that the amended final judgments dismissing ANA, Cargolux and Thai that were entered by this Court on August 5, 2011 [ECF Nos. 1537-39] and the final judgment dismissing Qantas that was entered by this Court on August 4, 2011 [ECF No. 1534] (Kaplan Dec., Exhibits E-H), with exhibits listing the opt-outs, should not be altered.





Honorable Judge Gleeson

August 17, 2011

Page 2

Plaintiffs request that the Court enter an order rejecting the request of UCI for exclusion from the settlement class with respect to the Judgments entered with the Settling Defendants.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael D. Hausfeld".

Michael D. Hausfeld
William P. Butterfield
Brent W. Landau
HAUSFELD LLP
1700 K Street, N.W., Suite 650
Washington, DC 20006
(202) 540-7200

By: /s/ Michael D. Hausfeld

Robert N. Kaplan (RK-3100)
Gregory K. Arenson (GA-2426)
KAPLAN FOX & KILSHEIMER LLP
850 Third Avenue, 14th Floor
New York, NY 10022
(212) 687-1980

Gary L. Specks (GS-8767)
KAPLAN FOX & KILSHEIMER LLP
423 Sumac Road
Highland Park, IL 60035
(847) 831-1585

Hollis L. Salzman (HS-5994)
Jay L. Himes (JLH-7714)
Gregory S. Asciolla, Esq. (GA-2222)
LABATON SUCHAROW LLP
140 Broadway
New York, NY 10005
(212) 907-0700

By: /s/ Hollis L. Salzman

Howard J. Sedran, Esq.
Austin Cohen, Esq.
LEVIN, FISHBEIN, SEDRAN & BERMAN
510 Walnut Street
Philadelphia, PA 19106
(215) 592-1500

By: /s/ Howard J. Sedran